

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED
May 23, 2024
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: _____ pg DEPUTY

COUNSEL HOLDINGS, INC.

Plaintiff

v.

EVAN P. JOWERS, LEGIS VENTURES
(HK) COMPANY LIMITED, JOWERS
VARAGS LLC AND JOWERS LANGER
LLC

Defendants

Civil Action No. 1:23-CV-711-RP

DECLARATION OF EVAN P. JOWERS

I Evan P. Jowers declare:

1. I am Evan P. Jowers and am over the age of 18 and am otherwise competent to testify.
2. On April 15, 2024, I filed, through the Western District of Texas Pro Se online filing drop box, for this Civil Action No. 1:23-CV-711, a Notice of Suggestion On Pending Of Bankruptcy For Evan P. Jowers, And Automatic Stay Of Proceedings. I also filed at the same time my Petition For Chapter 11 Filing.
3. Further, on April 15, 2024, I emailed Robert Kinney and his co-counsel Ray Mort and as a courtesy explained that I filed these documents in this case. I separately emailed them in an additional email explaining that I filed these same documents in our other case in this Court, Civil Action No. 1:23-CV-711. I attached the filings in each email as a courtesy, and those filings had the correct case numbers. See Exhibit A and B. On April 15 and 16, I also filed the same

notices, and the same documents, with the 5th Circuit Court of Appeal for all three appeals ongoing in the related litigation.

4. On May 10, 2024, I was made aware for the first time that I had until that very same day to refile the same filing I already made on April 15, 2024. Fortunately, my mother, Kathy Jowers, received this Court's order at her home on May 10, 2024 just in time for me to refile what I filed already on April 15, 2024. I was very surprised by the mishap with my filing not being put on the docket, but I figured maybe the clerks thought I filed through the pro se online filing box the same filing two times, because it was exactly the same, except the case numbers were different (on the document heading and in the system where the pro se filer is asked to indicate the case number). I saved a screen shot of the filing confirmation. See Exhibit C. Unfortunately, there is no email confirmation or any other confirmation provided for Pro Se filers in your Court and this of course opens things up for mistakes and manipulation.

5. Yesterday, on May 21, 2024, for the first time I was notified and shocked (sort of, considering the comical and impossible anomalies always happening in this Court that negatively affect me over seven years of litigation) that this Court continues to insist that I still have never filed the aforementioned documents, and ordered me to provide a status report by May 21, even though I was dealing with a bankruptcy hearing on May 21 and the order wasn't received at my listed address with the Court until May 21. My mother, Kathy Jowers, received this order yesterday at her home. I live in a different home in Florida, but the constant always in our family address is the Louisiana address so that is why I have that listed with the court.

6. Today, May 22, I am filing the same documents for the third time, adding this declaration, and calling the clerk's office to double check they received the filing today and also on April 15

and May 10. I already left a voice mail with the clerk's office explaining the situation and how I expect and hope things to be resolved as soon as possible. There must be a record of my three filings. They shouldn't just disappear into the ether.

7. Yesterday I won the first substantial hearing in my bankruptcy case, where Counsel Holdings and Robert Kinney filed a motion to have the automatic stay removed for Counsel Holdings' litigation against me. We had to prepare for the hearing and we filed a reply brief that was around 150 pages including exhibits. Counsel Holdings' motion was denied. A lot of time and resources expended, only 30 days into my bankruptcy. I have to focus today on completing my April MOR, that is due in my bankruptcy proceeding, and also running my attorney recruiting business so I can pay back my legitimate creditors. Instead, I am being forced to prepare this declaration, exhibits and make this filing for a third time in the Western District of Texas. It's time consuming and goes against the spirit of the automatic stay.

8. Yesterday, the Honorable Mindy A. Mora in my bankruptcy hearing ruled that I should have a break and much needed breathing room from any civil litigation so that I can get my affairs in order and focus on the bankruptcy filings and build back my business. Ironically, immediately after the hearing, I noticed that this Court was ordering me to once again make filings and insisting that I was not making previous filings that I did make, with immediate deadline to comply.

9. I kindly ask this Court that there should be no orders requiring my filing new documents with this Court while I am in bankruptcy and with an automatic stay in place. I understand that there is no loophole where my multiple notice of automatic stay filings magically disappearing at the W. District of Texas can cause this case to remain active and the automatic stay removed. I

have no intention of requesting that the automatic stay for this case be removed while I am in bankruptcy.

10. This is a frivolous lawsuit claiming that the recruiting companies my co-founders and I started and were very successful in generating revenue, was the leading US associate attorney placement firm in Asia for 7 years, brought in over \$4.5 million in placement fees revenue in 2021 alone, with most of the top 100 US law firms as happy and active clients, is nothing but alter egos of mine and a fraudulent operation (In 2018, Kinney claimed they were Alejandro Vargas' alter egos but now Kinney states they are my alter egos). It's an effort to destroy our business (which is not helpful to the legitimate creditors in the bankruptcy proceedings), by asking (and the Court inevitably granting, as yet another anomaly ruling) injunctions preventing me and my business partners from continuing our attorney recruiting business and earning a living. The objective appears to put me in a situation where opposing counsel Robert Kinney and Ray Mort may think and wish (very erroneously) that I will finally accept their up until now many written offers to settle the judgment against me in the related litigation by my agreeing to sue my former attorneys at DLA Piper and Tauler Smith for malpractice in this same Court, in a "wink wink" agreement, as the saying goes. Please note that there is zero percent chance I would ever agree to such a settlement and I am 100% certain my attorneys at DLA Piper and Tauler Smith never committed any malpractice. I won't be part of such a scheme, and I think it's improper and perhaps illegal. Let's not do that.

11. Post judgement in the related litigation, and during the start of this litigation, this Court has failed to acknowledge or make any efforts to inquire about Robert Kinney's efforts, through his political connections in Hong Kong, to falsely accuse and have the secret police of the ICAC

seek to secretly arrest my colleagues and me for the laughable and nonsensical false claims of government bribery and corruption. This Court has been made aware of the situation in Hong Kong, and that we escaped Hong Kong under threat of secret arrest, with no due process or any public court proceedings, and cannot return for the foreseeable future, and yet this Court recently ruled that I had instead moved back to Hong Kong (because Robert Kinney said so this Court explained) and that being one of three main reasons a Receiver is appointed for the enforcement of the judgment in the related litigation. This Court is also aware and showed no concern that Robert Kinney put me at risk of being arrested in Hong Kong earlier as well by forcing me to work illegally in Hong Kong without a work visa for the 18 months leading up to my leaving the company, and that Robert Kinney also forced his employee and my colleague and US citizen Alexis Lamb to work illegally in Hong Kong for almost two years, also under threat of arrest. It's not surprising, as this Court granted an anti-suit injunction against me and anyone related to me from bringing any claims against Robert Kinney in Hong Kong, in a ruling that any law student would quickly realize was clearly erroneous based on the clear case law in the 5th Circuit (and of course the 5th Circuit agreed in reversing the anti suit injunction in an expensive and time consuming interlocutory appeal effort).

12. This Court failed to acknowledge or make any efforts to inquire about Robert Kinney's post judgement threats in writing to my 78 year old mother that he would visit her home and take her belongings and have a camera crew with him so he could share the video on YouTube for all the world to know that he did this, when he knows my mom has a serious heart condition and and is a cancer survivor. My mom was afraid to be in her own home for a month after that threat in writing from Robert Kinney. My family had to convince her to remain at her home without

fear and that Robert Kinney or his associates weren't going to show up with a camera crew and take her belongings and put the entire ordeal on a video and on Kinney's YouTube channel. My mom still asks me to this day if someone associated with Kinney will be coming to her door any time soon and what should she do.

13. This Court failed to acknowledge or make any efforts to inquire about Robert Kinney's written threats post judgment that he would track down my wife Tatiana Jowers and me to all corners of the world, for the rest of his life he said, and take everything we have including even any used dental floss he may find in the garbage disposal in our home.

14. This Court failed to acknowledge or make any efforts to inquire about Robert Kinney's threats in writing post judgment to sue my 78 year old mother and cancer survivor, living in Louisiana, in Texas on some unexplained claims of fraud.

15. This is why I am confused that this Court is so concerned about the missing notice filings at issue here that I did file two times. Why not any concern for the much more serious issues in this case and the related case since the judgment?

16. Robert Kinney and Ray Mort his co-counsel have made no effort to get in touch with me to file a joint status report. I don't think I should file a status report, in lieu of filing these same documents, missing from the docket, a third time.

17. I don't think it's likely that a US Federal District Court's clerks office forgot to put on the docket my filings two straight times, and I am guessing today's filing will also not be processed. I don't know what happened, but my family and I have reasonably lost faith and trust in this Court years ago, for many reasons, including many strange anomalies in rulings (always against me) in the related litigation now on appeal, that taken together as a whole are a statistical

impossibility. There are too many to list without 20 pages or more, but the striking / removal of the jury (after the Plaintiff demanded a jury for years, until depositions of his former employees started and included credible accusations of sexual harassment by Robert Kinney, credible allegations of Robert Kinney's attempted car theft of his leading's recruiter's wife's car, among other very damaging testimony for the Plaintiff), the striking of my key material witnesses (including my candidates whose career plans were the mysterious and allusive "trade secrets" and who were going to testify they shared their career plans, resumes and other information with other recruiters and that any info they provided to me was not a trade secret), forcing foreign witnesses dealing with 21 day travel quarantines in a global pandemic to travel in person from Asia to Austin on one business day's notice, and the W. District of Texas' admissions committee denying admission to a Texas attorney in good standing (my primary trial counsel) for the first time in its history, after months of ex parte secret communications with Robert Kinney. Those are just some of the many leading headliners of over 100 anomalies in the seven years of litigation for me in this Court that are impossible to reasonably explain.

18. On my second filing of these notice documents, I did not include a declaration, and did not think much about it. I include this declaration with this third filing so that this Court can understand that I am now very confused and concerned by the anomalies happening over 7 years, including this new one with my recent two filings being lost, and that I am focused on my bankruptcy filing and rebuilding my business now. There is a reason for automatic stays after bankruptcy filings. It's important is that I can rebuild my business and focus on the bankruptcy filing, without having Robert Kinney being able to destroy my business, destroy the livelihoods of the defendants who were dismissed with prejudice from the related litigation, and his attempts

through his high level political connections in Hong Kong to put us in political prison there under false secret charges, with no due process. Robert Kinney also has very high level political and business connections in the United States, mainly through his attending Phillips Academy at Andover (where his roommate and life long best friend is the nephew of the first Chief Executive of Hong Kong at the 1997 changeover) and his very well connected fraternity brothers from college studies (including billionaire entrepreneurs and a son of a US President). Robert Kinney is proud of and lets a lot of people know a lot of the time that he is able to get significant favors and help from his high level and powerful business and political connections when needed, including the ability to influence state and federal judges, which is certainly not lost (and never has been) on me and my family or the original co-defendants in the related litigation and the co-defendants in this current litigation. Robert Kinney is in my opinion a failed lawyer and businessman who figured out how to entrap attorney recruiters in a non compete agreement scheme, and that has been his primary source of income and he generated millions of dollars from his employees as a non compete agreement abuser. I was his biggest catch and his biggest prize, his leading recruiter 10 years in a row, all the full years I was in his employ. However, when I dared to leave his employ when he failed to provide me a work visa 18 months after transferring me to Hong Kong, Kinney was no longer able to make placements in Asia (he had made only one placement in Asia before I arrived to his company) because he is unwilling and unable to do all the work and relationship building necessary to build and run an Asia practice. I have made over 500 placements in Asia. This Court ruled that Kinney should have over \$7 million in compensation from my family for these particular circumstances, even though Kinney

will continue to make no effort to make placements in Asia, as a lottery win of sorts for Kinney's family.

19. I am asking this Court to please allow me to have this stay in these proceedings and not continue to insist that I don't want the stay or that I have not filed the notice of bankruptcy and stay. Let's turn off the negative unexplained anomalies for a while so I can focus on bankruptcy proceedings and rebuild my business and pay my legitimate creditors.

20. In the future, if the 5th Circuit Court of Appeals ultimately vacates the judgment of the related litigation and we are remanded back in this Court, I hope the proceedings will be conducted fairly and with serious consideration and respect, and without strange goings on and anomalies that always seem to work against me, and also affect my hard working and wonderful attorneys, in this Court. I have a lot of respect for this Court and the US Federal Court system in general, and I am simply asking for a fair shake if the judgement is vacated and remanded in the future.

Executed on May 22, 2024

By: /s/ Evan Jowers

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CERTIFICATE OF SERVICE

I hereby certify that, on May 22, 2024, a true and accurate copy of the foregoing document was served via the Court's Pro se drop box, and emailed to the opposing counsel.

EXHIBIT A

EXHIBIT B

EXHIBIT C